

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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SHELDON G. ADELSON,

Plaintiff,

v.

MOSHE HANANEL,

Defendant.

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Civil Action No.

**04-cv-10357-RCL**

**MOTION OF HANANEL TO STRIKE AFFIDAVITS OF HAGAY LEIBOVITZ AND  
AVIGDOR KLAGSBALD FILED DECEMBER 30, 2005**

The Defendant, Moshe Hananel (“Hananel”), moves to strike the Affidavits of Hagay Leibovitz and Avigdor Klagsbald filed on December 30, 2005 (exhibits C and D to Dkt. # 106) as they fail to comply with 28 U.S.C. § 1746 and on other grounds. As grounds, Hananel states:

1. 28 U.S.C. § 1746 requires that an unsworn affidavit “[i]f executed without the United States” state that it has been executed “under penalty of perjury under the laws of the United States of America.” These witnesses have avoided this requirement as their affidavits lack this statement and are therefore not available to support Adelson’s contentions.

2. The Leibovitz Affidavit is, on its face, based on manipulated, uncorroborated, incomplete video evidence subject to cropping, editing, and image manipulation, and the affiant does not deny such activity. His attachments do not meet the requirements of F. R. Evid. 1001-1003.

3. The Klagsbald Affidavit, insofar as it contains opinion, does not disclose expert qualifications or meet the other requirements of Fed. R. Civ. P. 26 or F.R. Evid. 702.

WHEREFORE, for the foregoing reasons, the Court should strike the Affidavits of Hagay Leibovitz and Avigdor Klagsbald December 30, 2005.

Dated: January 11, 2006

Respectfully submitted,  
MOSHE HANANEL  
By His Attorneys,

/s/ James A. G. Hamilton  
James A. G. Hamilton (MA Bar # 218760)  
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**Certificate of Service**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on January 11, 2006.

/s/ James A.G. Hamilton

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